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May 13, 2009

**Sent Via ECF To:**

Honorable Judge Ramon E. Reyes  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Mikhlyn, et al. v. Bove, et al.**  
**Case No. 1:08-cv-3367**

Honorable Judge Reyes:

This firm represents the Defendants in the above referenced action. I respond to Plaintiffs' letter dated May 11, 2009, in which Plaintiffs claim Defendants are responsible for a breakdown in communications regarding discovery. In fact, as can be seen from the attached emails and letters, Plaintiffs' lack of cooperation and failure to respond speaks for itself.

To accommodate Plaintiffs' concern about disclosure of personal financial information, I sent letters to all parties to whom I had issued subpoenas, directing them to limit document production to business related documents from business accounts. This was memorialized in an email to Eric Wertheim dated March 13, 2009 and letters to the subpoenaed parties dated March 13, 2009, copies of which are attached hereto. Ironically, Mr. Wertheim conceded that his clients had been depositing money from the business into their personal bank accounts, thereby revealing that Plaintiffs' agenda is disingenuous. Moreover, by letter dated April 17, 2009 a copy of which is attached hereto, I requested Plaintiffs to issue a similar letter to those third parties subpoenaed by Plaintiffs, to wit, Sovereign Bank, Bank Leumi, Israel Discount Bank, Bank Hapoalim, Comerica Corporate Headquarters and Paypal, Inc. This request was ignored, despite the fact that the subpoenas sought personal financial records of Anna Bove and Polina Dolginov.

A proposed Protective Order was requested by Plaintiffs in an

email dated March 18, 2009 due to the purported sensitivity of information being provided in discovery. In response, I drafted a protective order and forwarded same to Plaintiffs by email on April 1, 2009. To date Plaintiffs have failed to respond. Both the March 18, 2009 and April 1, 2009 emails and the proposed protective order are attached hereto.

In any event, there are numerous outstanding discovery responses that Plaintiffs have failed to provide, as delineated in my letter dated May 12, 2009, a copy of which is attached hereto.

I join in Plaintiffs' request for a discovery conference and welcome the opportunity to discuss, address and resolve the foregoing issues.

Thank you in advance for your consideration in this matter.

Very truly yours,

/s/ Boris Kogan  
Boris Kogan (BK-9135)

BK:ya  
Encl.